*THE HONOURABLE SRI JUSTICE L.NARASIMHA REDDY

+W.P. NO.430 OF 2006

%06.01.2006

#St.Mary's College of Engineering & Technology

..Petitioner

Vs.

$Govt.of A.P., and others. .. Respondents.

!Counsel for the Petitioner : Sri S.Sri Ram

^Counsel for the Respondents : G.P.for Higher Education,

Sri C.S.Anand for R2

Sri R.Rathangapani Reddy for R3

Sri Kum.Sindhu Kumari for R4.

<Gist :

>Head Note:

?Cases Referred:

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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.430 of 2006

Date:06.01.2006

Between:

St.Mary's College of Engineering & Technology,

Deshmukhi, Pochampally Mandal,

Nalgonda District. … Petitioner.

And

1. The Govt.of A.P.
2. The A.P.state Council of Higher Education
3. The Jawaharlal Nehru Technological University,Hyd.
4. The All India Council for Techical Education, New Delhi. … Respondents.

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.430 of 2006

ORDER:

The petitioner is a private engineering college. On an earlier occasion, the petitioner, along with other engineering colleges, approached this Court by filing

W.P.No.23481 of 2005 and batch. The context in which the writ petitions came to be filed was as under:

The All India Council for Technical Education, fourth respondent herein, permitted, what is known as “lateral entry”, in the engineering courses. Under this scheme all the candidates, who have obtained diploma degrees, in the engineering subjects, can appear in the entrance examination called E-CET, conducted for the purpose of making admissions to II year of the engineering courses. For the current academic year all the candidates who have qualified themselves in the E-CET have been admitted into the second year of the engineering courses in one college or the other. Still there remain vast number vacant seats in second year course. Drawing analogy from the course of action adopted by the Supreme Court in respect of admissions into first year course, all the petitioners wanted the relief of a direction to the respondents to permit the admission into second year course, without insisting on the appearance in the E-CET.

The said writ petitions were disposed of through a common judgment dated 22.11.2005. The first respondent was directed to take a policy decision in this regard, after ascertaining the views of the fourth respondent herein. In pursuance of the same, the first respondent issued orders in G.O.Rt.No.1020, dated 23.12.2005. It is stated that the fourth respondent refused to relax the relevant rules and in that view of the matter, it is not possible to accede to the request of the petitioner. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Higher Education and the learned Standing Counsel for the fourth respondent.

It hardly needs any emphasis, that the prescription of qualifications or terms and conditions for admission into various courses, is in the realm of the discretion of the Government, or the other agencies constituted by it. The courts do not reassess or re-evaluate the said standards or specifications. On the directions issued by this Court, the first respondent examined the matter, duly ascertaining the views of the fourth respondent and issued the impugned order, disclosing the reasons, that constitute the basis for it.

A perusal of the notification issued by the fourth respondent dated 11.7.1992, which is extensively referred to in the impugned order, discloses that the candidates who seek lateral entry into engineering courses are required not only to secure the

minimum of 60% of the aggregate in the concerned diploma courses, but also to qualify in the entrance examination. When a specialized agency has stipulated such conditions, this court cannot relax the same.

It is true that as regards the admissions into first year of engineering courses, the Supreme Court gave a semblance of relaxation, from appearance in the entrance examination, if there exist vacant seats and there is dearth of candidates, who qualified in the entrance examination. That situation cannot be compared to the one, relating to the lateral entry. The reason is that the parameters for admission into the initial stages of the course are totally different from those relating to the entries, at later point of time. Unless the ability of the candidate, to be admitted in the midstream of the course, is ascertained it is not at all advisable to admit them. The only mechanism adopted by the fourth respondent, in this regard, is, by directing that a screening test be conducted. It is in this context that E-CET came to be held. This Court does not find any illegality or infirmity in the impugned order.

The writ petition is, therefore, dismissed. There shall be no order as to costs.

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06.01.2006.

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